

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. EDCV 15-1409-PA (KS) Date: June 20, 2016

Title *Daniel Michael Arnold v. San Bernardino County Sheriff's Department*

Present: The Honorable: Karen L. Stevenson, United States Magistrate Judge

Roxanne Horan-Walker
Deputy Clerk

N/A
Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE RE: DISMISSAL

On December 22, 2015, Plaintiff, a California state prisoner proceeding *pro se* and *in forma pauperis*, filed his second amended civil rights complaint pursuant to 42 U.S.C § 1983 (“Complaint”). (Dkt. No. 19.) On January 7, 2016, the Court directed the United States Marshal to serve the Complaint. (Dkt. No. 22.)

On April 29, 2016, Defendant filed a Motion to Dismiss the Complaint (the “Motion”). (Dkt. No. 33.) On May 2, 2016, the Court ordered Plaintiff to file an opposition to the Motion on or before May 30, 2016. (Dkt. No. 34.)

Twenty days have now passed since the date on which Plaintiff’s opposition was due, and Plaintiff has neither filed a response to the Motion nor communicated with the Court about his case.

Local Rule 7-12 states that a party’s failure to file a required document such as an opposition to a motion “may be deemed consent to the granting [] of the motion.” Further, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure, an action may be subject to involuntary dismissal if a plaintiff “fails to prosecute or to comply with these rules or a court order.” Thus, the Court could properly recommend dismissal of the action for Plaintiff’s failure to oppose the Motion as well as his failure to comply with the Court’s Order of May 2, 2016.

However, in the interests of justice, plaintiff is **ORDERED TO SHOW CAUSE on or before July 11, 2016** why the action should not be dismissed under Local Rule 7-12 and Rule 41(b) of the Federal Rules of Civil Procedure. Plaintiff’s response to this OSC must include

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either: (1) a request for an extension to file the Opposition accompanied by a sworn declaration (not to exceed 3 pages) that establishes good cause for Plaintiff's failure to timely respond to the Motion and need for additional time; *or* (2) a complete and detailed opposition (in a manner fully complying with the Local Rules) to the Motion.

Alternatively, Plaintiff may discharge this Order and dismiss this case by filing a signed document entitled a "Notice of Voluntary Dismissal" requesting the voluntary dismissal of the action without prejudice pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure.

Plaintiff is expressly cautioned that his failure to respond to this order will lead the Court to recommend dismissal based on Local Rules 7-12 and Rule 41 of the Federal Rules of Civil Procedure.

Initials of Preparer

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